

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: BPS DIRECT, LLC, AND  
CABELA'S, LLC, WIRETAPPING**

: **MDL 3074**  
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: **E.D.Pa. ACTION NOS.:**  
: **23-md-3074**  
: **23-cv-4008**

**ORDER**

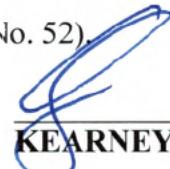
**AND NOW**, this 17<sup>th</sup> day of October 2023, mindful of the Multidistrict Litigation Panel's conditional transfer Order reposing its trust in our pretrial management of this matter, mindful of pending dispositive motion and briefing (ECF No. 38), and also mindful of our present review of pending motions, it is **ORDERED**:

1. Parties and counsel are governed by our Court's Local Rules and our Chambers Policies and Procedures in effect at the time of the anticipated action found at [www.paed.ucourts.gov](http://www.paed.ucourts.gov) unless altered by a specific case management Order;
2. We will provisionally allow attorneys already admitted as counsel of record in a transferred action to appear in this District subject to filing a Notice of Appearance under the MDL master docket number and their transferred case number under our docket on or before **October 20, 2023** confirming: entry of appearance in the case before transfer (including the date of the entry); continuing obligations under section I. J. of our Policies including being bound by the Pennsylvania Rules of Professional Conduct and Local Rules of this Court for the duration of the case; and payment of the Clerk of Court's filing fees for special admission before or contemporaneous with the Notice;

3. We intend to separately resolve the Motion to dismiss (ECF No. 54) the consolidated Complaint (ECF No. 53) and separately evaluate the Motion to dismiss (ECF No. 38) and Response (ECF No. 47) in the *Irvin* matter;

4. We will review the ability to coordinate discovery and related management matters between the *Irvin* matter and the consolidated Complaint (ECF No. 53) following our rulings on the Motions to dismiss; and,

5. Lead Plaintiff's counsel and Plaintiff's counsel in the *Irvin* matter shall meaningfully meet and confer (not email) to discuss a proposal for the coordination and management of the cases should both proceed beyond the Motions to dismiss including the role of counsel in the *Irvin* matter and the consolidated Complaint (ECF No. 53) and coordination with the deadlines set in our July 26, 2023 Order (ECF No. 52).



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KEARNEY, J.